

**Honorable George Miller**  
**Chairman, House Committee on Education and Labor**  
**Statement at Committee Markup of Committee Rule 24**  
**Wednesday, December 5, 2007**

\*\*\*

Good afternoon.

Welcome to today's markup of a resolution to add a rule for implementing deposition authority to the rules of the Committee on Education and Labor.

Later today, the House Rules Committee will consider legislation that I introduced that would grant deposition authority to this Committee for our ongoing investigation into the tragic deaths of nine men at the Crandall Canyon Mine in Utah in August 2007.

Rule 24, which we are considering today, will provide a process for the Committee to take depositions.

Six coal miners who were trapped in a collapse at the Crandall Canyon mine remain entombed there. Three rescuers who made valiant efforts to reach the trapped miners also paid with their lives.

Given the seriousness of this disaster, it clearly warrants a full and independent investigation. Although the federal Mine Safety and Health Administration has begun its own investigation, the agency simply cannot be entrusted with this responsibility.

That is why, soon after the tragedy, I began a Committee investigation into the circumstances leading up to, during, and following the collapse.

I believe that a mechanism for full and independent investigations of mining tragedies must be enshrined into law. My committee has already approved legislation that would do just that.

But now, in the absence of such a mechanism, it is essential that Congress fully investigate what happened at Crandall Canyon.

The seriousness of this matter requires that interviews be conducted under oath, as they would be in a deposition.

In most investigations, a combination of documentary and testimonial evidence provides the greatest insight. Our committee has begun to receive documentary evidence, including emails and memoranda, that have helped our work.

To conduct a thorough investigation, however, we also need to have the ability to collect testimonial evidence. Emails and memos are important, but they will only tell a part of the story.

We need to know who knew what, when they knew it, and how they came to know it. We need to know about face-to-face meetings and telephone conversations they had.

Our Crandall Canyon investigation is a particularly salient example of how important a role depositions can play in an investigation.

The technical aspects of mining plans, the mining plan approval process, and other features specific to the mining industry are complex. To probe them appropriately requires precise questioning in fully transcribed, bipartisan deposition sessions.

The rule we considering today was developed close consultation with Mr. McKeon and his staff. It will protect the rights of the deponents and the rights of the minority.

The Committee's majority and minority staffs include attorneys experienced in litigation, investigations, and House procedure, and Rule 24 ensures that only they and members of this Committee may question witnesses in deposition sessions.

Rule 24 also ensures that the minority receives ample notice before the Committee seeks to depose a witness. And it ensures that both the majority and the minority have equal opportunity to question witnesses.

This deposition authority will enable the Committee to pursue this investigation as effectively and efficiently as possible.

The families of the miners and rescuers who died at Crandall Canyon have a right to know what happened to their loved ones.

With a full and independent investigation, we will learn what went wrong and what steps could be taken now to help prevent future tragedies. We owe that to the families of the miners who have died and to the thousands of miners who risk their lives working underground every day.

Thank you.